

**Appendix F: Chart Summarizing Certain Arguments Regarding Data Breach Notification Statutory Claims
(Counts VIII, XI, XVI, XIX, XXVII, XXVIII, XXXII, XXXVI, XXXIX)**

Defendants’ Motion to Dismiss and Memorandum of Law in Support present in full Defendants’ arguments in dismissal of Plaintiffs’ state data breach notification statute claims. For the Court’s convenience, the chart below provides supporting citations under each states’ laws for those arguments. Counts VIII, XI, XVI, XIX, XXVII, XXVIII, XXXII, XXXVI, and XXXIX fail for additional reasons not represented in the chart below, as set forth in Defendants’ Motion to Dismiss.

Claim	Type of Injury Required	Reasonable Delay Permitted	Causal Nexus with Deficient Notice Required	Consumer Transaction Required	Fails for Other Reasons
Alaska Protection of Personal Information Act Alaska Stat. § 45.48.010, <i>et seq.</i> (Count VIII) <u>Plaintiff:</u> Dixon (¶ 19)	Actual economic damages. Alaska Stat. § 45.48.080.	Yes. Alaska Stat. Ann. § 45.48.010.			No private right of action for injunctive relief against non-government agencies. Alaska Stat. § 45.48.080.

Claim	Type of Injury Required	Reasonable Delay Permitted	Causal Nexus with Deficient Notice Required	Consumer Transaction Required	Fails for Other Reasons
California Customer Records Act Cal. Civ. Code §§ 1798.80-.84 (Count XI) <u>Plaintiff:</u> Jackson (§ 25)	Actual injury. Cal. Civ. Code § 1798.84(b); <i>Antman v. Uber Techs., Inc.</i> , No. 15-cv-01175, 2018 WL 2151231, at *11 (N.D. Cal. May 10, 2018).	Yes. Cal. Civ. Code § 1798.82(a).	Yes. <i>Chen v. JPMorgan Chase Bank, N.A.</i> , No. 2:23-CV-10874, 745 F. Supp. 3d 1025, 1034 (C.D. Cal. Aug. 20, 2024).	Yes. Cal. Civ. Code §§ 1798.80(c), 1798.84; <i>In re: The Home Depot, Inc., Customer Data Sec. Breach Litig.</i> , No. 1:14-MD-2583, 2016 WL 2897520, at *5 (N.D. Ga. May 18, 2016).	
Georgia Identity Theft Protection Act Ga. Code §§ 10-1-910, <i>et seq.</i> (Count XVI) <u>Plaintiff:</u> Darby (§ 41)	N/A	N/A	N/A	N/A	No private right of action. G.A. Code Ann. § 10-1-910-12; <i>Dusterhoft v. OneTouchPoint Corp.</i> , No. 22-cv-0882, 2024 WL 4263762, at *18 (E.D. Wis. 2024).

Claim	Type of Injury Required	Reasonable Delay Permitted	Causal Nexus with Deficient Notice Required	Consumer Transaction Required	Fails for Other Reasons
Louisiana Database Security Breach Notification Law La. Rev. Stat. § 51:3701, <i>et seq.</i> (Count XIX) <u>Plaintiff:</u> Bonier (¶ 62)	Actual damages. La. Stat. Ann. § 51:3075;		Yes. La. Stat. Ann. § 51:3075.		No private right of action for injunctive relief. La. Stat. Ann. § 51:3075.
New Hampshire Right to Privacy Statute N.H. Rev. Stat. § 359-C:19, <i>et seq.</i> (Count XXVII) <u>Plaintiff:</u> Rubera (¶ 90)	Actual damages. N.H. Rev. Stat. § 359-C:21.	Yes. N.H. Rev. Stat. § 359-C:20(a).	Yes. <i>In re Am. Med. Collection Agency, Inc. Customer Data Sec. Breach Litig.</i> , No. CV 19-MD-2904, 2023 WL 6216542, at *7 (D.N.J. Sept. 21, 2023).		

Claim	Type of Injury Required	Reasonable Delay Permitted	Causal Nexus with Deficient Notice Required	Consumer Transaction Required	Fails for Other Reasons
New Jersey Consumer Fraud Act N.J. Stat. § 56:8-1, <i>et seq.</i> (Count XXVIII) <u>Plaintiffs:</u> Loforese (¶ 92) Slack (¶ 94)	Ascertainable loss of money or property. N.J. Stat. Ann. § 56:8-19.	Yes. N.J. Stat. Ann. § 56:8-163(a).	Yes. N.J. Stat. Ann. § 56:8-19.	Yes. <i>Miller v. NextGen Healthcare, Inc.</i> , 742 F. Supp. 3d 1304, 1332 (N.D. Ga. 2024).	
North Carolina Identity Theft Protection Act N.C. Gen. Stat. § 75-60, <i>et seq.</i> (Count XXXII) <u>Plaintiff:</u> Morgan (¶ 102)	Injury. <i>Rogers v. Keffer, Inc.</i> , 243 F. Supp. 3d 650, 663 (E.D.N.C. 2017).	Yes. N.C. Gen. Stat. § 75-65.	Yes. <i>Rogers v. Keffer, Inc.</i> , 243 F. Supp. 3d 650, 663 (E.D.N.C. 2017).		

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South Carolina Data Breach Notification Act S.C. Code § 39-1-90 (Count XXXVI) <u>Plaintiff:</u> Tynch (¶ 122)	Actual damages. S.C. Code Ann. § 39-1-90(G).	Yes. S.C. Code § 39-1-90(A).	Yes. S.C. Code Ann. § 39-1-90(G).		
Washington State Data Breach Notification Act Wash. Rev. Code § 19.255.010, <i>et seq.</i> (Count XXXIX) <u>Plaintiff:</u> Ivory (¶ 138)	Injury. Wash. Rev. Code Ann. § 19.255.040(3).	Yes. Wash. Rev. Code Ann. § 19.255.010(8).	Yes. <i>Grigsby v. Valve Corp.</i> , No. C12-0553, 2013 WL 12310666, at *5 (W.D. Wash. Mar. 18, 2013).		